

DEPARTMENT OF STATE
BRIEFING PAPER

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for Secy. Marshall
Briefing Book*

*Sum-
Policy*

Human Rights

Overview

The commitments of U.S. policy to respect and promote human rights have solid historical, legal and institutional bases. The Congress so recognized in legislation passed in the mid and late 70s, and the international pursuit of human rights is a major achievement of the Carter Administration. However, we urgently require a reinfusion of high level commitment and support to preserve and build upon the accomplishments of the past 3 1/2 years.

High Level Commitment and Support

We need soon broad reaffirmation of the policy by the President and the Secretary, along the lines of the President's statement of December 6, 1978.

Ratification of International Human Rights Treaties

Five international human rights treaties are before the Senate: The Genocide Convention, the International Covenant on Civil and Political Rights, the International Covenant on Economic, Social and Cultural Rights, the Convention on the Elimination of All Forms of Racial Discrimination and the American Convention on Human Rights. Adopted by the UN and Organization of American States, they have been ratified by the vast majority of countries. U.S. failure to ratify the treaties undercuts our efforts in the human rights area. A strong early effort by the Secretary to persuade the Senate to act favorably would signal his personal commitment to the human rights policy, and would reassure the human rights community that the policy will be pursued vigorously.

The Genocide Convention merits top priority. Adopted by the UN in 1948, it has been ratified by more than 80 states and has deep symbolic significance. The President has strongly urged ratification, and the Administration should make strenuous active efforts to achieve this, preferably before the Madrid CSCE Review meeting in November.

CSCE Review Conference

The human rights community would welcome strong affirmation of our commitment to solid human rights gains at the Madrid Review Conference, maintaining balance in CSCE with

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military security issues. The community and the various ethnic organizations which follow CSCE are aware that efforts to develop an allied position on military security issues have not been matched by progress in the human rights area. We must strive to eliminate the imbalance.

U.S. Leadership Role in UN Human Rights Bodies

Our leadership can be enhanced by adopting positions more responsive to the human rights concerns of non-aligned countries. The recent session of the UN Human Rights Commission, one of the most successful, was marked by our close cooperation with non-aligned countries. HA feels strongly that we should further strengthen this alliance by: stronger support for UN actions against apartheid in South Africa, an evenhanded position on the human rights conditions of Arabs in the Israel-occupied territories; effective efforts to respond to complaints lodged against the U.S. by Native Americans and other of our minority groups; responsive positions on economic and social rights, in particular the right to development. A strengthened alliance would serve to isolate communist and radical (left and right) countries which seek to undermine UN human rights efforts.

Human Rights and the IFIs

Under the International Financial Institutions Act of 1977, the U.S. Executive Directors to the Multilateral Development Banks are required to oppose any loan to any country whose government engages in a consistent pattern of gross violations of human rights. Thus, all MDB loans to all countries are screened by the Working Group of the Inter-Agency (Christopher) Committee on Human Rights and Foreign Assistance (IAGHR). To date the U.S. has opposed 87 loans to 16 countries. Concern of human rights advocates in the Congress that the review process be institutionalized has led to proposals to legislate the continued functioning of the IAGHR. HA favors the proposals. Human rights groups are watching to see if an assiduous human rights review of MDB loans continues to produce a vigorous policy and a firm U.S. stand in the banks.

Human Rights and Security Assistance

We need to ensure that human rights concerns are more systematically factored into our decision-making on security assistance. HA believes military aid and sales should be screened for human rights by an interagency working group, perhaps reporting to the Inter-Agency Committee on Human Rights and Foreign Assistance.

Country Specific Issues

Argentina - The military government continues to abduct, torture and summarily execute suspected terrorists, to refuse to provide information to family members about the thousands of "disappeared" victims of abduction, and to hold about 1,300 persons in executive detention. Freedom of expression and assembly are sharply circumscribed, and political party activity is prohibited.

Some argue that because of other interests and modest improvements in the human rights situation, we should now resume a normal, cooperative relationship. HA holds that the integrity of our human rights policy requires that we avoid actions which identify us with such a repressive regime. While recognizing improvements when they occur, we need to continue pressing the regime to end violations and to cooperate with the UN Human Rights Commission, as conditions for overall improvement in our relations. We should also consult with our NATO Allies regarding joint approaches on human rights issues and East-West questions. We should oppose any effort to change or circumvent the statutory prohibition on military assistance and equipment sales to Argentina.

Chile - Torture is still practiced and civil and political liberties remain restricted, although the scale of violations of the integrity of the person has declined considerably during the past two years--due in part to criticism and reinforcing action by the U.S., some other Western countries, the UN, and the OAS. The regime's unacceptable response in the Letelier-Moffitt murder case led the President in November to order strong measures to reaffirm our determination to resist acts of international terrorism. We should oppose any effort to change or circumvent the statutory prohibition on military assistance and sales to Chile.

El Salvador - The survivability of the moderate military/civilian Junta is questionable as is its ability to carry through with a fundamental agrarian reform program. Our policy is predicated on its doing so in a humane manner. However, the Junta has been unable to halt killings by the left and right extremes, including elements of its own security forces. A counter-coup by the rightist military was attempted May 1.

Guatemala - Violence is increasing, mainly against the left. The Government is tolerating and may be participating in this. Our Embassy has proposed that we adopt a positive stance to encourage positive steps by the Government. However, this tactic has already been tried without success, and would risk our identifying too closely with a government which lacks a popular base and which relies heavily on its

capacity for intimidation and repression. HA believes that necessary reforms must be made before we can resume fully normal relations.

Nicaragua - The regime recently moved to consolidate Sandinista control at the expense of political pluralism. Reports of human rights violations are surfacing. International Commission of Jurists experts who observed the Special Tribunals procedures for the over 7,000 prisoners from the Somoza era concluded that the judicial process is seriously flawed. However, recent moves give hope that the Sandinistas will maintain a commitment to pluralism. This can be encouraged by providing the \$75 million supplemental loan.

USSR and Eastern Europe - The Soviet Union's record is bad and has deteriorated in recent months. Arrests have risen and emigration fallen as East-West tension has removed previous constraints. The Eastern Europeans have better records (with substantial individual variation). Particularly at a time of tension, however, the Soviets are likely to set outer limits beyond which their Allies may not proceed. The Soviets have always distrusted the human rights issue, believing that the U.S. raises it to destabilize them.

The policy challenge is to maintain a steady concern for human rights conveying the message that this concern is based on principle and a desire for practical progress in specific cases that would improve the bilateral climate (for example, Sakharov and Helsinki Monitors like Orlov and Shcharansky), not unilateral ideological advantage. We would aim thereby also to keep our lines to the Eastern Europeans on human rights as insulated as possible from the U.S.-Soviet tension.

Pakistan - The human rights situation in Pakistan is mixed. Zia's Government shows no sign of rescheduling elections or lifting restrictions on civil and political rights. The long term viability of his regime is doubtful; it is very unpopular. HA believes we must exercise special care on such issues as the provision of military equipment, trying to find a way to protect the country's geographical integrity without arming Zia's repressive forces.

Palestinian Issue - A settlement of this question, one seen as "fair" by the Arabs, other Muslims, and much of the remainder of the world community, is the sine qua non for the long term safeguarding of our interests in the oil-producing states, associated waterways and other strategic areas. While torture and cruelty affect a small proportion of the Palestinians, all feel injured by denial of nationality, land and water seizures and expropriations, denial of agricultural water, pervasive social, economic, educational,

and political discrimination, and the denial of repatriation.

China - An expression of concern late last year about a prison term given to a Chinese dissident was our last public comment on the human rights situation in the PRC. The President discussed human rights with Vice Premier Deng in early 1979. Since then our human rights dialogue with the PRC has been notable for its non-existence. Our application of a human rights "double standard" vis-a-vis the USSR and the PRC threatens the integrity of our policy. A human rights strategy for the PRC is sorely needed.

Indonesia (East Timor) - Criticism has centered on the malnourished and diseased victims of the Portuguese withdrawal from and the Indonesian takeover of East Timor. The U.S. has actively coordinated an international emergency relief effort which has restored basic levels of health to most areas. The Indonesian Government says it is attempting to establish a long range development program for the province with the help of international contributions. But frequent Congressional inquiries reflect widespread belief that Indonesia seriously violated human rights in its effort to pacify Timor. Indonesia will seek U.S. support to remove the East Timor item from the next UN General Assembly. HA opposes deletion of the item.

Kampuchea - HA opposed U.S. support of the Pol Pot "government's" credentials at last year's UNGA, and believes it made a mockery of our human rights position. We recognize that the U.S. should do nothing to lend recognition to the Heng Samrin puppet government and we are aware of ASEAN's support for the status quo. But our human rights policy requires an abstention on the issue.

Korea - Since Park's assassination, the human rights trend had until recently been positive. The transitional government released political prisoners and restored civil and political rights to many. President Choi promised political liberalization including constitutional revision in 1980 and new elections in 1981. These pluses are offset by the continued imprisonment of many, including Kim Chi-Ha the internationally famous poet; student demonstrations on and off campus; labor unrest, indications that the Korean military may obstruct democratization, and Chun Doo Hwan's self appointment as head of the KCIA.

Philippines - Martial law remains in effect and human rights violations continue. We have an established dialogue with the government on the problem. The opposition is convinced that we have been unrelenting in our support for Marcos since he declared martial law in 1972. HA feels we must be more mindful of our relationship with a post-Marcos government; we are too close to his government now.

Taiwan - Action against a human rights rally at Kaohsiung last December retarded progress toward liberalization. The arrest of some 60 people, and harsh sentences for 8 accused of sedition, have for the time being stifled effective opposition. Several Presbyterians connected with Kaohsiung, including the head of the church in Taiwan, have been arrested in an apparent effort to discredit them for their strong stand on human rights. Our concerns have been made known quietly to the Taiwan authorities. Our policy (and members of Congress who take the human rights provisions of the Taiwan Relations Act seriously) may require that we manifest our disapproval of this repressive trend more tangibly.

Liberia - The new regime's commitment to desist from further executions prompted the Department to decide to ship non-lethal military items and dispatch a Mobile (military) Training Team. Consideration is being given to resuming normal levels of military and economic aid. While the executions have stopped, many persons remain detained and some are being tried by military tribunals which lack safeguards of due process. HA believes resumption of aid programs should depend on progress with respect to due process and other essential human rights. Also relevant is the seriousness of the regime's commitment to return to civilian rule with the opportunity for political participation. We must balance our important interests in Liberia with the danger of helping the solidify its repressive hold on its citizenry.

South Africa - South Africa is the touchstone of our human rights policy in Africa. Black African states judge the authenticity of our policy on the basis of the intensity and forcefulness of our opposition to apartheid. HA believes that we are not sufficiently active in raising human rights concerns with the South African Government in Washington and in South Africa. We need to take initiatives on such problems as the denial of visas for candidates (particularly Blacks) for our International Visitor Program and employment practices of U.S. corporations located in South Africa. HA and AF are preparing a human rights strategy paper for South Africa.

Zaire - We continue to provide extensive military and economic assistance to Zaire notwithstanding evidence of serious violations of human rights. Arguments favoring continued support for the Mobutu regime rest on the assumption that the regime is capable of reform in terms of human rights, corruption and general administrative competence. This is questionable. We must consider the impact of our continued support of Mobutu on our relations with his successors.

Summary

HA believes we are too close to too many repressive regimes and this risks grave damage to our national security.

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HA 1980 Human Rights Subject Files

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